

AUDIT REPORT 7-CI-007

AUDIT OF THE AMERICAN CITIZEN SERVICES OVERSEAS PROGRAM
EMERGENCY AND PROTECTIVE SERVICES

February 1997

TABLE OF CONTENTS

<u>SECTION</u>	<u>PAGE</u>
TABLE OF CONTENTS	i
ABBREVIATIONS	ii
I. EXECUTIVE SUMMARY	1
II. PURPOSE AND SCOPE	9
III. BACKGROUND	11
IV. FINDINGS AND RECOMMENDATIONS	15
A. CONSULAR OFFICER RESPONSIBILITIES	15
B. REPORTING REQUIREMENTS	19
C. REPATRIATION LOAN PROGRAM	24
D. BEST PRACTICES	28
E. PERFORMANCE MEASURES	30
F. OTHER ISSUES	33
V. CONSOLIDATED LIST OF RECOMMENDATIONS	39

* * *

APPENDIX

A	Bureau of Consular Affairs, Office of Overseas Citizens Services' Comments	41
---	--	----

ABBREVIATIONS

ACS	American Citizen Services
AF	Bureau of African Affairs
AFM	American Family Member
ARA	Bureau of Inter-American Affairs
CA	Bureau of Consular Affairs
CA/OCS	Directorate of Overseas Citizens Services, CA
CA/OCS/ACS	Office of American Citizen Services, CA/OCS
CA/OCS/CI	Office of Children's Issues, CA/OCS
CA/OCS/PRI	Office of Policy Review and Interagency Liaison, CA/OCS
CA/PPT	Office of Passport Services, CA
CIS	Consular Information Sheet
CLASS	Consular Lookout and Support System
EAP	Bureau of East Asian and Pacific Affairs
EUR	Bureau of European and Canadian Affairs
FAM	Foreign Affairs Manual
FMP	Bureau of Finance and Management Policy
FSN	Foreign Service National
HHS	Department of Health and Human Services
NEA	Bureau of Near Eastern Affairs
NOK	Next-of-kin
OIG	Office of the Inspector General
OSCAR	Overseas Case Activity Reporting System
PAW	Privacy Act waiver

AUDIT REPORT 7-CI-007

AUDIT OF THE AMERICAN CITIZEN SERVICES OVERSEAS PROGRAM EMERGENCY AND PROTECTIVE SERVICES

February 1997

I. EXECUTIVE SUMMARY

Purpose

Posts provide a wide range of emergency and non-emergency services to U.S. citizens overseas. The scope of this audit was limited to protective and emergency services. The objectives of the audit were to (1) assess the timeliness and adequacy of the services being provided to the public, (2) determine whether posts were complying with pertinent laws and regulations, (3) identify innovative practices developed by specific posts to cope with diminishing resources, and (4) identify areas where operations could be streamlined.

Background

Since 1792, one of the principal functions of the consular officer has been to protect U.S. citizens abroad. Protective and emergency services that are required by the Department's Foreign Affairs Manual (FAM) include providing financial assistance, notifying the next-of-kin (NOK) and assisting in making burial arrangements for U.S. citizens who die overseas, visiting and providing assistance to U.S. citizens arrested overseas, and locating U.S. citizens at the behest of concerned parties in the United States. Within the Department, the Directorate of Overseas Citizens Services in the Bureau of Consular Affairs (CA/OCS) is responsible for advising, instructing, monitoring, and supporting posts in American Citizen Services (ACS) matters.

EXECUTIVE SUMMARY

Results in Brief

As resources diminish and consular districts expand, posts are finding it increasingly difficult to perform all the duties required by ACS, including the requirement to conduct routine prison visits. Allowing consular officers flexibility in scheduling, delegating responsibilities for, and reducing post reporting requirements related to prison visits would allow posts to do more with their limited resources. Creative solutions using the private sector of the American community overseas to provide assistance to U.S. citizens in need have been successfully implemented in a number of posts and could be emulated by others.

To assess the timeliness and adequacy of services provided, we reviewed 292 cases at the posts we visited, interviewed the staffs of both the ACS units at posts and CA/OCS at the Department, reviewed the responses to a customer satisfaction survey conducted by the Department, observed day-to-day ACS operations at posts, and accompanied ACS staff on routine visits to overseas prisons, hospitals, and other locations. During these visits we had the opportunity to meet with U.S. citizens for which services were being provided. No complaints were raised concerning the quality or quantity of the ACS staff visits. Overall, we found that appropriate actions were being taken in a timely manner in accordance with FAM requirements. We also noted numerous instances both at posts and at CA/OCS where officers, FSNs, and consular agents went above and beyond the FAM requirements to provide assistance to Americans in need.

Although the Department is generally doing an excellent job in providing protective and emergency services to the public, improvements are needed in several areas that provide (1) controls over loans granted to destitute U.S. citizens to enable them to return to the U.S. (the Repatriation Loan Program), (2) documentation of the case files at posts, (3)

EXECUTIVE SUMMARY

entry of data into the CA/OCS' computer system, (4) verification of posts' compliance with the Privacy Act and certain FAM regulations, and (5) development of performance measures.

Principal Findings

Consular Officer Responsibilities

Some consular officer responsibilities required by the FAM are no longer realistic in these days of limited resources. Posts are no longer able to adhere to the required schedule of routine visits by consular officers to U.S. citizens in foreign jails due to the remote locations of the prisons and the lack of sufficient officer staff to handle other emergencies that arise. The prison visits are an important element of the consular officer's responsibilities but, because of limited staff time, have been adequately addressed in the past by taking other measures. To meet the visitation schedules specified in the FAM, consular officers have been sending FSNs and consular agents to visit the prisoners, or have been contacting the prisoner by telephone. The FAM should be more flexible, allowing consular officers to delegate the responsibility for the routine visits to FSNs, consular agents, wardens, or volunteers, except under certain conditions. However, consular officers should still be required to conduct those visits where mistreatment or violation of rights is alleged, where the case is high profile or controversial, or when requested to do so by the prisoner, the prisoner's family, or the Department. In addition, in determining the visitation schedule, posts should be allowed to take into consideration individual differences in prison conditions and the prison population. Less frequent visits or visits by someone other than a consular officer may be possible in those instances where the prison conditions are good, where the prisoner has telephone access, or where the U.S. citizen is imprisoned in

EXECUTIVE SUMMARY

his or her native country and, therefore, has a support group of friends and relatives in close proximity.

Reporting Requirements

Department regulations require posts to submit numerous reports on ACS activities, particularly arrest cases. Although the purpose of reporting is to keep CA/OCS informed in case of public or congressional inquiry, we found that the information from the reporting cables was not being entered into the computer system or was not being entered in a complete or timely manner that would enable the CA/OCS case officer to adequately respond to any inquiries. Since inquiries were being routinely referred to posts for response, we questioned the necessity of the extensive reporting requirement for ACS activities.

Repatriation Loan Program

Although repatriation loans are only supposed to be granted to U.S. citizens who are destitute, the lack of clear guidance on what constitutes destitution has resulted in a number of loans to applicants of questionable eligibility. Also, contrary to FAM guidance, consular officers were not always ensuring that all other sources of funding were pursued and exhausted prior to issuing a loan. Consular officers were not always ensuring that applicants were making a good faith effort to provide sufficient or realistic alternate sources of funding and were not always making sufficient efforts to contact the sources that the applicants provided. We also noted that the type of Privacy Act waiver form being used by posts was one that allowed the applicant to specify the names of individuals that the officer was authorized to contact. This effectively restricted the officer's efforts to obtain private funds for the repatriation prior to committing government funds. Using a general waiver would instead allow the officer to contact any

EXECUTIVE SUMMARY

and all individuals in order to obtain private funds for the applicant's repatriation. In addition, the system of placing holds on loan recipient's names in the Consular Lookout and Support System (CLASS) to prevent subsequent passport issuance or additional loans, was not reliable. Holds were not being consistently entered in the system when loans were granted and were not being removed in a timely manner once repayment occurred.

Performance Measures

Although CA/OCS conducted a customer satisfaction survey in July 1994 that sampled responses from recipients of selected services, the survey was not sufficiently designed to enable CA/OCS to identify performance criteria and establish standards that could be used in future surveys. In addition, CA/OCS has never formally surveyed its other customer, the posts, to determine whether improvements are needed in the services provided.

Recommendations

CA/OCS should:

- revise the FAM to allow consular officers to delegate responsibility for conducting routine prison visits and to give posts the discretion to determine the extent and necessity of individual visits, with certain restrictions;

analyze the usefulness of each reporting requirement in the FAM with the objective of eliminating unnecessary reports;• tighten controls over the Repatriation Loan Program by (1) providing specific criteria to posts on what constitutes destitution, (2) requiring posts to obtain from applicants a specified number of

EXECUTIVE SUMMARY

outside contacts, (3) requiring applicants to provide a general, not limited, Privacy Act waiver, thereby giving consular officers blanket permission to contact any and all sources of private funding, and (4) requiring posts to document attempts to obtain alternate sources of funding and justifications for not making contacts; and

- conduct surveys of the public and of the posts to assess customer satisfaction and to identify areas where improvements are needed.

Department Comments

We discussed our findings with Department officials and provided a draft version of this report to CA/OCS. The written comments to the draft report are contained in appendix A. In commenting on our draft report, Department officials generally agreed with our findings and recommendations except for Recommendations 1 and 2, dealing with prison visits. CA/OCS, in its response, stated that at least semiannual visits by consular officers to U.S. citizens incarcerated in foreign prisons are necessary to ensure the well being of the prisoners. The Office of the Inspector General (OIG) found, however, that posts were not always able to comply with the FAM requirements pertaining to officer visits because of limited resources at post, and that regular visits were not necessary in all circumstances. The OIG believes that posts need to be given the flexibility to establish their own prison visitation schedules, based on the post's knowledge of local prison conditions and the needs of its individual prisoners. Furthermore, allowing consular officers to delegate this responsibility when necessary will enable posts to better use their limited consular resources while still providing U.S. prisoners with the appropriate level of services. The OIG does, however, recognize that officers should be required to

EXECUTIVE SUMMARY

make the prison visits under certain circumstances.

EXECUTIVE SUMMARY

EXECUTIVE SUMMARY

II. PURPOSE AND SCOPE

To date, OIG audits of consular operations have focused primarily on visa and domestic passport processing. Consular operations also include a wide range of services provided to U.S. citizens traveling or residing overseas. The scope of this initial audit was limited to protective and emergency services, involving cases such as deaths, arrests, welfare/whereabouts inquiries, and financial or medical emergencies.

The primary objective of the audit was to assess the timeliness and adequacy of the services being provided and to determine whether posts were complying with pertinent laws and regulations. Since the Department is continuing to reduce resources overseas, our goals also included identifying innovative ACS practices developed by specific posts to cope with diminishing resources and identifying areas where ACS operations could be streamlined.

The fieldwork was performed during the period June 1995 through February 1996. There were delays in issuing the final report because of other ongoing work. Within the Department of State, we interviewed management and staff of CA/OCS and reviewed relevant file documentation. CA/OCS also provided statistics on the numbers and amounts of loans issued to U.S. citizens and private funds transferred to posts during fiscal years (FY) 1984 through 1995. CA's Executive Office provided FY 1993 and 1994 consular workload statistics and narrative reports describing consular operations at each post.

Fieldwork was performed at overseas posts in Kingston, Guadalajara, Manila, Tel Aviv, Athens, and Rome. Posts were selected based on workload, types of services provided, geographic and client diversity, and suggestions from CA/OCS case officers. At posts, we interviewed the staffs of the ACS units, reviewed a total of 292 ACS case files initiated during the period June 1, 1994, through August 31, 1995, observed day-to-day ACS operations, and accompanied the ACS staff on routine visits to overseas prisons, hospitals, and other locations. During the outreach visits to the prisons, hospitals, and other locations, we had an opportunity to meet with U.S. citizens who were being provided with ACS services.

This audit was conducted by the Consular and International Programs Division of the Office of Audits. Major contributors to this report were Maurice Blais, division director;

EXECUTIVE SUMMARY

Jesse Roth, audit manager; Judy Sutrich, auditor-in-charge; Monique Taylor, auditor; and Jody Beverly, program analyst.

The audit was conducted in accordance with generally accepted government auditing standards and included such tests and auditing procedures as were considered necessary under the circumstances.

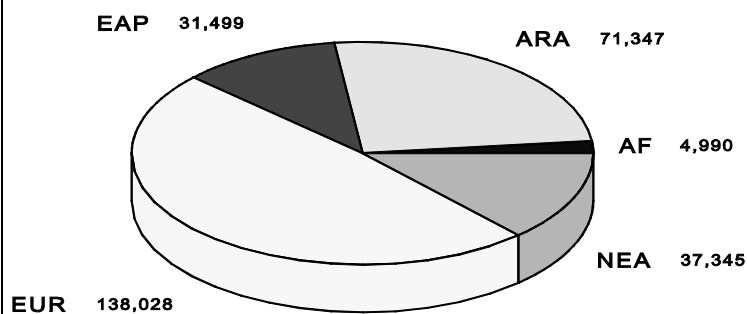
EXECUTIVE SUMMARY

III. BACKGROUND

Traditionally, one of the principal functions of the consular officer has been the protection of U.S. citizens abroad. The 1792 act that formed the basis of the consular system gave consuls the authority to perform such protective functions as settling the affairs of U.S. citizens who died within the consular district, securing property saved from shipwrecks, and providing relief to destitute seamen. Although ACS services were initially provided primarily to seamen, today the recipients of ACS services are almost exclusively tourists, business travelers, students, or U.S. citizens residing abroad. In addition, since World War II, the consular officer's responsibilities for providing ACS services have continued to expand. This function has been further codified in international agreements, such as the Vienna Convention on Consular Relations of 1963, and in numerous bilateral consular treaties.

Consular officers are responsible for providing a wide range of services, both emergency and non-emergency, to U.S. citizens overseas. Emergency services include replacing lost or stolen passports, providing financial assistance, notifying the NOK and assisting with burial arrangements for citizens who die overseas, visiting and providing assistance to citizens arrested overseas, locating persons about whom there have been inquiries from concerned parties in the United States, passing on emergency messages to citizens overseas, and assisting in child custody disputes. The ACS section at post also functions as the focal point in large-scale emergency situations, such as natural disasters, civil disturbances, hijackings, and airplane crashes. In FY 1995, 283,209 emergency services were provided by posts worldwide. As the graph demonstrates, the majority of the services were provided by posts located within the Bureau of European and Canadian Affairs (EUR)

Number of American Citizen Services Emergency Cases By Bureau For FY 1995



EXECUTIVE SUMMARY

and the Bureau of Inter-American Affairs (ARA).

Consular officers also provide a number of non-emergency services. These services include adjudicating citizenship claims, replacing expired passports, recording citizen births that occur overseas, notarizing documents, assisting in extraditions and other judicial actions, distributing Federal benefit payments, and maintaining registers of Americans who live in the consular district.

Consular sections at overseas posts are divided into visa operations and ACS operations. At some posts, the ACS section may be further divided into units specializing in passport/citizenship services, special citizen services, and Federal benefits. In addition, approximately 28 posts employ consular agents. A consular agent is an individual hired to provide limited consular and related services on a part-time basis at a specified location where no post is located. Consular agents are generally stationed in resort and other tourist areas located at some distance from the post. An agent works under the direct supervision of the principal consular officer in the district in which he or she is located. As of September 1995, the Department employed 40 agents.

Within the Department, CA/OCS is responsible for the welfare of U.S. citizens traveling and residing abroad. CA/OCS consists of three offices: American Citizens Services and Crisis Management (CA/OCS/ACS), Children's Issues (CA/OCS/CI), and Policy Review and Interagency Liaison (CA/OCS/PRI). The responsibilities of these offices are as follows:

- CA/OCS/ACS corresponds organizationally to the ACS sections at the embassies and consulates. CA/OCS/ACS has six geographic divisions, each with case officers who provide assistance and advice to posts and who act as a liaison between concerned family members, friends, and members of Congress in the United States and consular posts and Americans abroad. CA/OCS/ACS also assists in transferring private funds to posts abroad to be used in emergencies (approximately \$1.9 million was transferred in FY 1995). In addition, CA/OCS/ACS is responsible for issuing Travel Warnings and Consular Information Sheets for all countries.
- CA/OCS/CI formulates, develops, and coordinates policies and programs, and provides direction to posts on international parental child abductions and

EXECUTIVE SUMMARY

international adoptions. CA/OCS/CI has also been designated by Congress as the central authority to administer the Hague Convention on the Civil Aspects of International Child Abduction in the United States.

EXECUTIVE SUMMARY

- CA/OCS/PRI provides guidance concerning the administration and enforcement of laws on U.S. citizenship and on the documentation of Americans traveling and residing abroad. CA/OCS/PRI also provides advice on legislative matters, interprets consular-related treaties and agreements, conducts reconsiderations in complicated cases involving the acquisition and loss of U.S. citizenship, and administers the overseas Federal benefits program.

The public demand for ACS assistance is great. For example, a review of CA/OCS' monthly automated telephone system report for March through May 1995 showed that the number of monthly inquiries from the public ranged from 15,500 to 20,100. These inquiries consist of both emergency requests for assistance to U.S. citizens abroad and routine requests for information on topics such as citizenship, marriage overseas, and travel to specific countries. CA/OCS receives approximately 12,000 inquiries annually from the public concerning the welfare/whereabouts of an American abroad. In addition, over 2,500 Americans are arrested and 6,000 Americans die overseas annually, for which varying degrees of assistance are provided by both posts and CA/OCS.

EXECUTIVE SUMMARY

IV. FINDINGS AND RECOMMENDATIONS

In general, we found that the posts we visited, as well as the CA/OCS staff, were doing a timely and adequate job of providing protective and emergency services to U.S. citizens overseas. ACS work is demanding and stressful and requires a great deal of tact and sensitivity. ACS staffs must deal with U.S. citizens who are in highly emotional states and who sometimes have unrealistic expectations of the type and extent of services that the Department can provide. With increasingly diminishing resources and expanding consular districts, ACS sections are struggling to keep up with the demands of the job. Despite the difficult conditions, we noted numerous instances both at posts and at CA/OCS where officers, FSNs, and consular agents went above and beyond the FAM requirements to provide emergency assistance to U.S. citizens. These cases sometimes require a lot of time and attention on the part of the consular officer and the ACS staff. With the increase in cases and the reductions in staff, we found that posts sometimes had to defer routine services, such as quarterly prison visits, passport processing, and the updating of emergency disaster plans, in order to give the necessary attention to the emergency cases.

We identified several areas where the FAM requirements could be reduced or eliminated, thereby enabling consular officers to better use their time and limited resources to address such issues as ensuring that emergency disaster plans are updated. We also noted various innovative practices adopted by specific posts to reduce their workloads. Improvements are needed in other areas, including documentation of case files, compliance with certain FAM and other legal requirements, and establishment of performance measures. Controls over the Repatriation Loan Program need to be strengthened to ensure that loans are being granted only as a last resort, and only to eligible applicants.

A. CONSULAR OFFICER RESPONSIBILITIES

Officers in ACS units at embassies have a wide variety of duties. Although FSN staff can perform certain ACS functions, there are certain duties that the FAM dictates should be performed by a consular officer. A consular officer should be available to: contact the NOK upon the death of a U.S. citizen overseas, attend trials of U.S. citizens if requested or if a problem is suspected, make initial and periodic visits to incarcerated U.S. citizens, meet with U.S. citizens at post who request contact with a fellow American, and respond to emergency situations. It is often difficult for an officer to predict what ACS functions will be needed on any given day. Much of the work is reactive (to a death, arrest, or some other emergency)

EXECUTIVE SUMMARY

rather than planned. When emergencies occur in the outlying areas of the consular district, consular personnel must sometimes travel to these areas to provide assistance.

ACS units are no exception in the present climate of reduced resources. Some of the posts we visited either had experienced, or were anticipating, reductions in staff. For example, as of January 1996, the junior officer position within the ACS unit was eliminated at Embassy Rome. Therefore, there is currently only one officer in this section to handle all the emergency and protective functions. At Embassy Kingston, the American Family Member (AFM) position in the ACS section was vacated in December 1993. Since the AFM's primary duties were to assist U.S. prisoners, these responsibilities had to be transferred to one of the two officers assigned to the section. With approximately 300 arrests a year requiring consular services, this has greatly increased the officer's workload. At Consulate Guadalajara, although two officers are assigned to the ACS section, one officer was routinely detailed to the visa section. According to ACS personnel, this occurred approximately 75 percent of the time.

Similar situations are occurring worldwide. While consular budgets and consular staff have been reduced in the past few years, as evidenced by numerous cables between the Department and individual posts, consular duties have not. On the contrary, as more U.S. citizens travel overseas for business or pleasure, the demand for American citizen services is increasing as well. According to a U.S. Travel and Tourism Administration report, nearly 46.5 million U.S. residents traveled abroad in 1994, an increase of 5 percent over 1993. This increase in potential customer base combined with limited consular resources make it difficult for consular officers to perform all duties required of them by the FAM.

If only one officer is staffing an ACS unit, in an emergency or unplanned situation, regularly scheduled ACS work, such as a prison visit, may be deferred. This situation arose in Athens during our field visit. A bankrupt cruise line docked one of its ships in Athens and deposited over eight hundred, primarily elderly, U.S. citizens in port without accommodations or further travel arrangements. All regularly scheduled office activities were disrupted for several days while the consular officer provided assistance to the vacationers, arranging hotel accommodations and liaising with the airlines to obtain tickets back to the United States. Several routine prison visits scheduled during this time were postponed.

EXECUTIVE SUMMARY

Conversely, when the sole ACS officer is out of the office performing a routine mandatory task, other, more urgent, tasks are being performed by the FSN staff. For example, in large consular districts like Athens, the prisons can be quite remote, requiring more than a day's travel to visit perhaps one or two prisoners. The following chart depicts the number of U.S. prisoners incarcerated in the various prisons outside of Athens as of October 1995 and the amount of time required to travel to each prison from Athens.

ATHENS' REMOTE PRISON DISTRICT

<u>Prison Location</u>	<u>Travel Time from Athens (Round Trip)</u>	<u># of U.S. Prisoners</u>
Crete	6 hours*	3
Nafplion	7 hours	2
Patras	8 hours	2
Trikala	9 hours	1
Larissa	10 hours	1
Hios	6 hours*	1
Tiryntha	7 hours	2
Amfissa	8 hours	1

*Flight

When the consular officer is out of the office for an extended period of time making routine prison visits, FSNs perform duties such as death notification calls, which due to their sensitive nature cannot wait, but which, according to the FAM, should be performed by a consular officer.

Routine Prison Visits

According to the 7 FAM 441, once a U.S. citizen has been sentenced and incarcerated in a foreign prison, he or she should be visited at "regularly scheduled intervals...at a bare minimum each convicted U.S. citizen prisoner should have an opportunity to confer with a

EXECUTIVE SUMMARY

consular officer at least once every 3 months." Officers are able to apply for a limited case-by-case exception to the visitation schedule, if they can make a strong case for semiannual or annual visits instead.

Posts are not always able to comply with FAM requirements. In 25 of the 67 arrest case files we reviewed, officers did not conduct the prison visits in accordance with FAM requirements. Instead, others (FSNs, consular agents, etc.) were conducting the visits, or the officer was in contact with the prisoner by telephone. Despite the fact that officers were not always conducting visits in accordance with the FAM, we saw no negative effect. At each post, we accompanied consular personnel on their routine visits to U.S. citizens in prison. We visited a total of 47 U.S. prisoners in 6 countries during the audit. During the visits, we had an opportunity to discuss with the prisoners the quality and extent of consular services provided. No dissatisfaction with the visitation schedules was expressed, nor did any of the prisoners indicate that they were unhappy with visits being conducted by someone other than an officer. We also reviewed the case files for each prisoner visited and did not see any evidence of complaints. During our discussions at the Department with the various regional CA/OCS case officers, we asked the officers the types of complaints that they were receiving from the public concerning services provided by posts. None of the 29 case officers interviewed mentioned receiving any complaints regarding the failure of officers to conduct prison visits.

Different Prison Conditions and Populations

Regular post-sentencing visits may not be necessary in every arrest case. Some U.S. citizens arrested overseas are dual-nationals with few family or community ties to the United States, and with a support system of family and friends in the host country. These prisoners are not always interested in visits from an embassy representative and have told the consular officers that they do not need anything from the embassy. An initial visit should be made to a U.S. prisoner to assess the situation. If continued visits are not desired or needed, the post should be able to modify or cancel a visitation schedule.

The regulations do not distinguish between conditions in different countries and prison populations. For example, in western European countries, the local prison conditions are quite good, and prisoners generally have telephone access to the consulate. In fact, although a number of countries have prisoner transfer treaties with the United States, prisoners often refuse to be transferred. Consular officers told us that prisoners have refused transfers

EXECUTIVE SUMMARY

because international prisons are so much more comfortable than those in the United States. One consular officer suggested that once a prisoner has turned down the opportunity to take advantage of a prisoner transfer treaty, visits to that prisoner should be halted or sharply scaled back.

In cases where prison conditions are good, a consular agent, FSN, or American community volunteer could make prison visits without compromising the quality of care U.S. citizens are receiving from their embassy. Indeed, routine post-sentencing visits from someone other than an officer has already been the situation in some consular districts. Allowing an FSN or someone located closer to a prison to make prison visits would contribute to the "caseworker" concept extolled in 7 FAM 423 as an ideal for prison visits. The case worker concept is that if one person makes visits to a specific prisoner, that person will become familiar with the case, and respond quickly and competently to requests for assistance from the prisoner. The long-term prisoner could have regular visits from the same person, without worrying about an officer rotating to another post or deferring visits due to other duties.

We recognize that regular officer visits are necessary in certain cases. Generally, in cases that might generate interest in the United States and in cases in which mistreatment has been alleged or in countries where mistreatment or abuse is a problem, prisoners should be visited by a consular officer. These visits would demonstrate to local prison officials the U.S. Government interest in a case. Of course, in any arrest case where there has been a request by the prisoner, their family, or the Department for an officer visit, such a visit should be carried out if at all possible.

Recommendation 1: We recommend that the Directorate of Overseas Citizens Services, Bureau of Consular Affairs (CA/OCS) revise 7 FAM 400 to give posts the discretion to determine the extent and necessity of prison visits on a case-by-case basis. Consular officers should be required to visit prisoners in those instances where mistreatment or violation of rights is alleged, where the case is high profile or controversial, or when requested to do so by the prisoner, the prisoner's family, or the Department.

Recommendation 2: We recommend that consular officers be permitted to delegate the responsibility for prison visits. Consular officers should be required to visit prisoners in those instances where mistreatment or violation of rights is alleged, where the case is

EXECUTIVE SUMMARY

high profile or controversial, or when requested to do so by the prisoner, the prisoner's family, or the Department.

CA/OCS disagreed with these recommendations. Although CA/OCS agreed that some modification of the prison visit schedules was appropriate for many countries, it stated that at least semiannual visits by consular officers are necessary to ensure the well being of U.S. prisoners. The OIG feels that the Department needs to be more realistic in recognizing the inability of many posts to comply with this requirement due to the shortage of consular officers and the distance of some of the prisons from post. During the review, the OIG noted that posts were not always able to comply with the FAM requirements pertaining to officer visits because of limited resources at post. These resources should instead be focused on assisting those prisoners who truly need or desire the assistance. Visits by someone other than a consular officer can be equally effective in assuring the well being of a prisoner if closely supervised by an officer. The OIG does, however, recognize that there are certain circumstances under which officers should be required to perform the visits. In addition, the OIG recommendation gives the Department the discretion to insist on a more stringent consular officer visitation schedule, if circumstances dictate it.

B. REPORTING REQUIREMENTS

Currently posts are required to report to the Department all actions taken in certain ACS cases, such as arrests and some death cases. The reason given in 7 FAM 416 for this reporting is to ensure that the Department would be able to respond directly to any information request it might receive from the public, press, or Congress regarding a specific case, without having to refer to post. However, we found that information transmitted to the Department is neither sufficient nor is it being entered into the Department's files in such a timely and complete manner that information requests could be answered without referring to the relevant post. The Department is in the process of developing an interactive computer system that would link the posts with CA/OCS and with each other, and therefore greatly reduce, and in some cases eliminate, the need for the reporting cables. Until then, because of the additional work caused by the dual entry required by both CA/OCS staff and the posts, reporting requirements should be reduced wherever possible.

EXECUTIVE SUMMARY

Excessive Reporting

Department regulations (7 FAM 416) require posts to submit numerous reports in relation to ACS services rendered, and to report events (e.g., arrests). The primary purpose is to keep the Department informed of cases in the event of congressional or public interest. In cases where U.S. citizens are arrested overseas, the posts are required to send a reporting cable to the Department at each stage of a case (arrest notification, trial, sentencing, and after each prison visit). With approximately 2,500 U.S. citizens arrested each year overseas, such reporting requirements not only impose time-consuming duties on an ever-shrinking consular force, but result in an information deluge that CA/OCS case officers in the Department are not keeping up with in a timely fashion.

Posts are currently required to report arrests of U.S. citizens even in cases where the citizen is a dual national with no ties to the United States. According to the FAM, posts should report any arrest case involving detention over 24 hours, allegations of abuse or violations of human rights, or circumstances that in the judgment of the post involve special public relations considerations. In addition to the initial reporting of the arrest, posts are required to keep the Department "advised in all new developments in a case" and must "telegraph a brief report ... on each visit. Separate reports must be submitted on each prisoner." Even if a U.S. citizen refuses a consular visit, the post is to "inquire about their well-being, annotate the files, and report to the Department accordingly." In addition to sending reporting cables to the Department, posts also maintain detailed files on each case.

Generally when a U.S. citizen dies overseas, the embassy is not required to report to the Department when the subject resided abroad, their NOK also resided abroad, and the subject is buried abroad. The same sort of standard could be applied to arrest cases. Cases which are unlikely to arouse interest in the United States because the subject has no contacts here, should not be routinely reported to the Department. Posts should still report on cases that may draw public or congressional attention, but officers at the post would be the best judges on what will or will not be controversial, or if CA/OCS will potentially interact with relatives. In most cases, due to the inadequacy of CA/OCS files, case officers in the Department need to contact posts for the latest information on a case.

In addition, under the Privacy Act of 1974, information from U.S. Government files cannot be disclosed to outside parties without written consent from the individual in question. Where applicable, the Department requires the recipients of ACS services to

EXECUTIVE SUMMARY

complete a Privacy Act waiver (PAW) form, giving the Department permission to disclose information on the recipient's case to those individuals specified on the PAW. CA/OCS case officers are often unable to ascertain from the standard format reporting cables what restrictions might be on the PAW. Therefore, posts often need to be contacted to determine whether the information requested can be released to the individual making the inquiry.

Even in cases that may draw inquiries to the Department, although posts should still notify the Department on the initial stages of an arrest and trial, much of the routine reporting can be eliminated. Complete case files would still be maintained at post, which could be accessed, if needed, by officers in the Department.

Recommendation 3: We recommend that CA/OCS review each reporting requirement and identify specific reports that could be eliminated.

CA/OCS agreed with this recommendation and has designated responsibility for implementation to CA/OCS/PRI.

The Overseas Case Activity Reporting System

According to Department regulations (7 FAM 416), the purpose for comprehensive arrest reporting to the Department is to "facilitate the entry of the arrest data into the Department's computer system," to enable the Department to respond effectively to questions regarding a case, and to aid the Department in monitoring a case. The Overseas Case Activity Reporting System (OSCAR) computer system is over 10 years old and is based on now-defunct Wang technology. Reporting cables sent from posts must be manually entered into the OSCAR system. CA/OCS case officers told us that the OSCAR system is so unwieldy that case officers frequently rely on alternate record keeping and case file maintenance (such as a parallel paper file) that render the OSCAR system redundant. According to CA/OCS management, the primary use of the OSCAR system is to generate fiscal data in those cases involving loans or transfers of private funds.

By favoring a paper file system, officers naturally neglect to enter case details into the OSCAR system. We found that due to incomplete or untimely entry into the OSCAR computer system or insufficient details in post reporting cables, the current OSCAR system files are out of date and incomplete. As a result, the Department is unable to respond to

EXECUTIVE SUMMARY

information requests using the OSCAR system without further contact with the posts or without consulting the paper files.

Development of a New Computer System

CA/OCS officers stated that the OSCAR system is so difficult to access and manipulate that case officers prefer to rely on paper files for most of their work. These files have supplanted the OSCAR files. Now that most posts are linked to electronic mail, case officers at CA/OCS correspond directly with the consular officer at post that way. Of course, the results of these auxiliary communications are not entered into the OSCAR system.

The Department is in the process of developing a new ACS computer system that will establish a common data base among all posts and the Department. Any ACS service rendered at any post overseas will be entered automatically by that post into the system and will be accessible to any consular officer worldwide. Not only will this allow an officer to immediately access the history of services rendered to an individual, but it will also eliminate the need to reenter, or double key, data from the post at CA/OCS. This program will also eliminate the direct exchange of reporting cables and electronic mail between posts and CA/OCS regarding ACS cases. However, if the computer records are to function as the primary case file, CA/OCS officers will have to be more diligent in their data entry. Any computer system is only effective if the input is timely and accurate. The new system was tested at Consulate Toronto during the summer of 1996. No date has been set for full implementation.

Currentness of Records

Currently, CA/OCS and post computer systems are not linked, requiring the manual entry of case file data from post into the computer system at CA/OCS. In January 1996, we attempted to access the OSCAR system cases reviewed during our fieldwork overseas to ascertain if the information had been recorded in the system. We accessed 275 of the 292 case files we reviewed overseas. We did not review all of the case files selected at post because some were not required to have been entered into the OSCAR system. We found that in the majority of arrest cases, the computer files had not been updated since November 1995. For other types of cases, it took from 3 weeks to 4 and a half months to update the computer files once the reports of ACS actions taken were received from the post.

EXECUTIVE SUMMARY

Completeness of Records

The case files, as entered in the OSCAR system, are incomplete. In most cases, it would be impossible for an officer to respond to an information request without referring to post or to the actual cable. Some CA/OCS case officers do maintain paper copies of relevant cables in their working files for a case, but only for active cases. CA/OCS case officers stated that they prefer to refer callers seeking information about a particular case directly to the post, as the ACS officer there would be able to provide the latest details in a case. For the same reason, congressional requests for information are routinely referred to posts for action.

In several instances, information from routine prison visitation reporting cables was not entered into the OSCAR system. We found that 8 of the 69 arrest cases we reviewed had not been entered into the OSCAR system at all, despite the fact that arrest notification cables had been sent to the Department. In addition, over 58 percent of the 62 welfare/whereabouts cases we reviewed had not been entered in the OSCAR system. Of those, 36 welfare/whereabouts cases had been initiated by the Department or other posts, meaning that a cable or an electronic mail was sent to task the post, yet 14 of those cases, or 39 percent, were not in the OSCAR system. Even the three welfare/whereabouts cases we examined that were generated due to congressional interest were not in the Department computer system. In addition, many other types of cases that we knew through file review at post to be controversial or to have generated press interest were not flagged in the OSCAR system. The comment fields in the OSCAR case files were generally left blank, so when an inquiry was made, the case officer accessing the files would not be able to determine the details of the case.

Some of the problems we observed with the OSCAR system no doubt stem from incomplete data entry. A slight typing error in a subject's name can result in the creation of duplicate files. Of the files we accessed in the OSCAR system, we found five cases where information was entered under two different, but highly similar names, resulting in incomplete case files. Although many of these problems will be resolved with the implementation of the new system, the success of the system will depend on complete and timely input of data by both the posts and CA/OCS. Notwithstanding the need to reduce the reports, however, CA/OCS case officers should be more diligent in entering case information and using the existing system.

Recommendation 4: We recommend that CA/OCS emphasize to case officers the importance of timely and careful data entry in the Overseas Case Reporting System.

EXECUTIVE SUMMARY

CA/OCS generally agreed with this recommendation, but it believes that implementation of the new computer system described in the report will remedy the problem. The OIG recognizes that the new computer system will allow for on-line entry of the information currently transmitted by cable directly into the case files, thereby eliminating the current duplicative nature of the work. However, no date has been set for full implementation of the new system and, therefore, interim measures are needed to ensure that the current system is properly utilized. In addition, the success of the new system will be highly dependent upon the timely and accurate input of data. The OIG is concerned that unless CA/OCS case officers develop the habit of data entering information received, the new system will not function effectively.

C. REPATRIATION LOAN PROGRAM

The Department of State Authorization Act, Fiscal Years 1984 and 1985 (Public Law 98-164), provides for emergency loans to destitute U.S. citizens abroad for repatriation. Over the past 5 years, the annual amount loaned under the Repatriation Loan Program has ranged from approximately \$1.2 million in FY 1991 to approximately \$618,000 in FY 1995. Historically, only 20 percent of the loans are repaid; as of FY 1993 the outstanding loan balance in the program account was approximately \$5 million. To encourage repayment, the loan recipient is precluded from obtaining a new passport or any additional loans until the loan is repaid. This is done by placing a hold on the individual's name in CLASS.

During our review we found that, based on the lack of a clear definition of the term destitute, loans were being given to applicants whose eligibility was questionable. In addition, although these loans are supposed to be offered only after all other sources of funding have been pursued and exhausted, we often found that consular officers were making minimal or no effort to contact other potential sources of funds. Consular officers were also not ensuring that applicants were providing sufficient or realistic contacts. We also found that the system of placing holds in CLASS was not reliable--holds were not being consistently entered in the system when loans were granted, nor were holds being removed in a timely manner once repayment occurred.

EXECUTIVE SUMMARY

Eligibility of Loan Applicants

The FAM eligibility requirements for a repatriation loan are very broad--an applicant must be: a U.S. citizen, destitute and facing economic hardship if not returned to the United States, and without relatives or friends who are able and willing to assist financially. The FAM does not provide a definition of destitution; however, a cable sent to all posts by the Department in November 1993 defined this as an applicant who has no means of support in the country abroad. The CA/OCS handbook further clarifies eligibility by stating that "[e]conomic hardship or seeking better job opportunities does not constitute destitution."

We reviewed 39 repatriation loans issued by the six posts we visited during the period June 1994 through August 1995. The loans to be reviewed were randomly selected from the OSCAR system and from post files. In at least 10 instances we questioned whether the applicant was truly destitute. All 10 of these applicants were overseas residents (living overseas for periods ranging from 6 months to 10 years) who appeared to have some source of economic support, and who did not seem to be in need of emergency assistance. The applicants wanted to return to the United States to seek a better job, or they no longer got along with their families or were otherwise no longer happy with life overseas. For example, a 19-year old who had been living with his family in the host country for 5 years, applied for a repatriation loan, claiming that his father had disowned him and that he was currently living with a cousin. He wanted to be repatriated in order to "have a better chance of building a new life for himself." The consular officer contacted three of the applicant's relatives living in the United States, all of whom refused to take him in primarily because, they stated, he was a problem child who was known to steal. The post subsequently repatriated him to Las Vegas where his family previously lived. However, he no longer had any ties there. The United States Department of Health and Human Services (HHS) was asked to provide resettlement assistance. We provided CA/OCS management with a description of 10 cases where we considered the issuance of a loan to be questionable for a variety of reasons. Included in these 10 cases were 6 cases in which we questioned the eligibility of the applicant for the reasons discussed above. CA/OCS management concurred with our assessment that these recipients probably should not have been considered eligible for a repatriation loan.

Because the FAM does not clearly specify what constitutes destitution, it is left up to the judgment of each consular officer to determine whether the applicant is destitute and, therefore, eligible for a loan. As a result, we found inconsistencies in eligibility determination between posts. The lack of a clear definition has also resulted in a potential

EXECUTIVE SUMMARY

for abuse, in that applicants for whom the program was not intended may be receiving funds. Since there are limited program funds available, consular officers should ensure that these funds are only distributed to the truly needy under emergency situations.

Recommendation 5: We recommend that CA/OCS provide clarifying guidance to posts as to what constitutes destitution.

CA/OCS agreed with this recommendation and will be issuing revised instructions to posts.

Obtaining Names of Contacts from Applicants

As a part of the application process, the applicant must provide the names and telephone numbers of people who may be able to provide funds for the applicant's return to the United States. The FAM does not specify the minimum number of contacts required, and we found that the number of required contacts varied among consular officers. Some consular officers had very stringent standards and required applicants to provide at least three realistic contacts; others allowed the applicant to decide how many contacts to provide. Although the FAM does not specify the minimum number of required contacts, based on our conversations with CA/OCS management and case officers, consular officers are expected to require at least three potential contacts. During our review we often found that applicants were not providing sufficient or realistic contacts. In 10 of the 39 repatriation case files we reviewed, the applicant provided only 1 or 2 possible contacts; in 4 of the 39 cases no contacts were provided. In addition, in some instances, the applicant did not appear to be making a good faith effort to provide realistic contacts, listing only those individuals who would be unlikely to provide funds (such as ex-spouses).

Once the contacts are provided, the applicant is required to complete a PAW, thereby giving consent to the consular officer to contact others on behalf of the applicant. Completion of a PAW is a prerequisite to obtaining a loan. According to 7 FAM 327 (3), if the applicant declines to provide a PAW or the names and addresses of possible sources of funds, the consular officer cannot recommend approval of the loan. The Department has developed a standard PAW form; on this form the applicant lists the names of specific allowable contacts and then checks off more generalized boxes, thereby giving permission for the Department to release information to other friends and family, members of Congress, the press, and the general public. We found that this form, while appropriate in other types of situations such as arrests and welfare/whereabouts searches, often limited the consular

EXECUTIVE SUMMARY

officer's ability to pursue private sources of funds by giving the applicant the opportunity to restrict the contacts. If the applicant only gives the consular officer written permission to contact specific individuals, the consular officer is not permitted to contact any other sources without obtaining further written permission. One officer told of an instance where one of the authorized contacts that he called had suggested that the officer contact the applicant's father for the funds (the applicant had initially stated that his father was deceased). In this instance, since the applicant had not specifically authorized the contact with the father, the officer would have to go back to the applicant to obtain permission before making the contact. A general PAW would give the consular officer the right to pursue any and all alternate sources of funding before committing U.S. Government funds. If the applicant's goal is to return to the United States, the consular officer's efforts to fund this return through private means should not be inhibited.

Recommendation 6: We recommend that CA/OCS revise the Foreign Affairs Manual to require posts to obtain from repatriation loan applicants the names of at least three individuals who may be able to assist the applicant financially. Consular officers should be required to provide an explanation in the applicant's case file when the minimum number of contacts are not made.

Recommendation 7: We recommend that CA/OCS require posts to use a general Privacy Act waiver form for repatriation loan cases, giving the consular officer authority to contact any and all potential sources in relation to the loan application process.

CA/OCS agreed with both recommendations. CA/OCS plans to conduct an overall review of the repatriation program and will issue revised instructions to posts subsequent to this review.

EXECUTIVE SUMMARY

Efforts by Consular Officers to Pursue Other Sources of Funding

According to Department regulations (7 FAM 321), prior to accepting a loan application, the consular officer is responsible for ensuring that the applicant has pursued and exhausted all private resources. In 20 of the 39 repatriation loan case files we reviewed, there were no documented attempts to contact other individuals who could provide funds for the repatriation. None of the files reviewed provided an explanation for why no contacts were made. Also, it did not appear in any of the cases that the consular officer had pursued the other potential sources of funds shown on the loan application. For example, although in one instance the applicant indicated on the loan application that he had \$29,000 in a bank account in the United States, no apparent attempts were made by the consular officer to use these funds.

Consular officers gave several reasons for not pursuing other sources of funds. One officer stated that his primary goal was to get the applicant out of the consular district as quickly as possible. He felt that it would be more time-consuming to provide the applicant with other consular services if the applicant remained in the country. This, however, is not part of the loan eligibility criteria and, therefore, should not be a consideration. Another officer, at a post located close to the United States border, did not feel it worth the time and expense of trying to track down an alternate source of funding, since repatriation from the post was relatively inexpensive. While this seems to be a reasonable approach, in 4 of the 5 cases we reviewed at this post, the amount expended on repatriation ranged from \$179 to \$427, which we feel justifies making at least a minimal effort to find other sources of funding. At the posts we visited, we found that the two posts with the highest numbers of repatriation loans also made the least number of attempts to contact other sources. In order to properly contain program expenses and to ensure that funds are distributed solely to truly needy applicants, consular officers should comply with the FAM requirements.

Recommendation 8: We recommend that CA/OCS reemphasize to posts the importance of obtaining alternate sources of funds before accepting applications for repatriation loans and of documenting these attempts.

Recommendation 9: We recommend that CA/OCS revise the Foreign Affairs Manual to require posts to maintain written documentation in the case files justifying those instances where no alternate sources were contacted.

EXECUTIVE SUMMARY

CA/OCS agreed with both recommendations. CA/OCS plans to conduct an overall review of the repatriation program and will issue revised instructions to posts subsequent to this review.

Consular Lookout and Support System Holds

After a repatriation loan is issued, the post submits the recipient's name to CA's Passport Office in Washington (CA/PPT) for entry into CLASS. When the applicant repays the loan, the Department's Bureau of Finance and Management Policy (FMP) notifies CA/PPT to remove the hold from the system. Since an individual's name must be cleared through CLASS prior to obtaining a new passport or a loan, these services will be denied if the system shows an outstanding loan.

We found that the process is not working effectively. In December 1995, we contacted FMP to determine the repayment status of the 39 repatriation loan cases in our sample. According to FMP, 11 of the 39 loans had been repaid. We then entered all the names into CLASS to determine the hold status. We found errors in 15 of the 39 cases (38.5 percent). In 10 cases, no holds appeared on the system, even though the loans were still outstanding. As a result, these individuals could obtain new passports and additional loans without repaying their pre-existing loan. In five cases, the individuals had repaid their loans, but the holds on the system had not been removed. When these individuals attempt to renew their passports, they will experience unnecessary delays while the reasons for the holds are investigated.

CA officials indicated that this has been recognized as a problem in the past and that the problem is currently being addressed. During the summer of 1995, CA initiated a project to compare outstanding repatriation loans to the holds existing on CLASS and to make corrections to CLASS where necessary. The project was still on-going at the time of our audit. In addition, the new ACS system that is being developed has been designed to eliminate this problem. In this system, when the consular officer enters the issuance of a repatriation loan on the system, a hold will automatically be placed on the name in CLASS. Similarly, when a loan repayment is entered on the system, the hold will automatically be deleted.

EXECUTIVE SUMMARY

D. BEST PRACTICES

As resources diminish and the workload increases, many ACS units have employed innovative tactics to get the American business and residential communities in their districts involved in providing assistance or services to U.S. citizens in need. Some innovations and ideas that individual posts have put to use could be applied worldwide.

For example, Embassy Rome and a U.S. based fast-food chain have joined forces to assist U.S. citizens in need. Any destitute U.S. citizen who presents themselves to the embassy can be given form letters entitling them to full meals at the fast-food chain. Without this program, the post would assist the U.S. citizen by providing a subsistence loan. This would involve completing a loan application and promissory note, assigning fiscal data, reporting the loan to the Department, amending the recipient's passport, and referring unpaid loans to the Department for collection. Therefore, having this mechanism in place saves time and effort for both the embassy and the Department. In turn, the U.S. company reaps the goodwill and positive public relations that stem from helping U.S. citizens in need.

Embassy Athens is getting the local women's club involved in conducting visits to U.S. citizens in prisons and hospitals. These visits will augment the embassy's own regularly scheduled visits. The ACS chief plans to formally brief the volunteers on the Privacy Act and FAM requirements so that they are aware of any legal limitations. Although other embassies already have members of the American community and the clergy conducting visits, the Athens program is more formalized and more closely coordinated with the embassy. A formalized program is important to ensure that private citizens performing these visits do not violate the Privacy Act or other applicable laws.

Embassy Manila is actively using its warden network to assist in ACS activities. Because much of the American community served by the embassy lives in remote, often not easily accessible areas of the Philippines, and because telephones in the rural areas are uncommon, it is difficult for the embassy to contact U.S. citizens in the event of a welfare/whereabouts request or some other emergency. For that reason, the embassy has employed a network of local wardens. These wardens keep the embassy up to date with events in their district, assist with welfare/whereabouts requests, visit prisoners, and register U.S. citizens for the embassy files. To facilitate their work for the embassy, wardens are issued badges that state their affiliation with the embassy. In appreciation and as acknowledgment for their efforts, the wardens are invited to an annual picnic at the

EXECUTIVE SUMMARY

Ambassador's residence. The ACS chief stated that this recognition of their work seemed very satisfactory to the wardens, and that they enjoyed the opportunity to help the embassy.

Recommendation 10: We recommend that CA/OCS obtain examples of efforts to involve the American community in American citizen services work, and other innovations posts may have adopted. CA/OCS should consolidate and share these ideas with all posts.

CA/OCS agrees in general with this recommendation, with the caveat that volunteers not be called upon to perform consular officers' duties on a regular basis. CA/OCS plans to survey posts to solicit comments and suggestions and to transmit the results of the survey to all posts.

Recommendation 11: We recommend that CA/OCS provide posts with guidelines pertaining to the use of non-government personnel who assist the embassy in providing services to U.S. citizens. These guidelines should specifically address Privacy Act and other legal concerns and training and supervision issues.

CA/OCS agreed with this recommendation and plans to prepare and issue guidelines to posts. In addition, CA/OCS is considering preparing a booklet to be issued to wardens explaining their roles.

E. PERFORMANCE MEASURES

To assess the effectiveness of a program, management needs to develop mechanisms to measure performance results, service quality, and customer satisfaction. To date, only minimal efforts have been made by CA/OCS to measure the effectiveness of the ACS program. One such effort was a customer satisfaction survey sent to ACS recipients in 1994. This survey, however, was not sufficiently designed to enable CA/OCS to identify performance criteria and, therefore, establish standards that could be used in future surveys. In addition, although CA/OCS services two customer populations, the public and the posts, only the public has been surveyed in relation to customer satisfaction.

Service Provided to the General Public

EXECUTIVE SUMMARY

In July 1994, in response to a Presidential Executive Order on customer service standards, CA/OCS surveyed a sample of customers to assess their level of satisfaction with ACS services. Questionnaires were sent to approximately 450 individuals who had received some type of assistance. Two surveys were developed: one for customers who had received emergency assistance in situations involving deaths, arrests, welfare/whereabouts requests, child custody, and destitution; another for customers who had requested a copy of a Consular Information Sheet (CIS), which provides information on a specific country, including entry requirements, areas of instability, health hazards, and other pertinent facts. The emergency services questionnaire asked the customer to rate the services provided on responsiveness, timeliness, and general satisfaction, and to rate the case officer providing the service on knowledgeability, clarity, and courtesy. Another section of the questionnaire asked the customer to provide suggestions for improvement. The CIS questionnaire surveyed the customer on whether the correct CIS had been sent, how long it took to receive the CIS, and whether the CIS met the customer's expectations.

The results of the survey showed that customers were generally satisfied with the services being provided, with 60 to 81 percent of the respondents giving each element the highest approval rating. The element with the lowest rating was timeliness. Based on the results, CA/OCS identified three methods of improving customer service: reorganizing CA/OCS, increasing public awareness of the available services, and streamlining the system for tracking congressional and White House inquiries. CA/OCS had previously been divided into emergency and non-emergency services. The reorganization consolidated the services into geographic divisions, with case officers responsible for providing all services to specific posts. In addition, a separate office was established to deal solely with children's issues.

CA/OCS survey project staff told us of problems with the sampling methodology and raised questions as to the usefulness of the responses. The customers surveyed were selected from the CA/OCS computer data base (OSCAR). As noted earlier in this report, only a small percentage of the overall cases are entered into OSCAR; therefore, only a small segment of the customer population was available for sampling. In addition, for some types of services the response rate was poor, making it impossible to accurately assess those services. For example, customers with outstanding loans (which are approximately 80 percent of the loan recipients) generally did not respond to the survey. In addition, results were not always useful since customers sometimes based their level of satisfaction on unrealistic expectations. For example, in some types of cases, such as child custody and arrests, satisfaction was directly related to the outcome of the respondent's personal situation (i.e., if the custodial

EXECUTIVE SUMMARY

parent did not get the child back or if the relative arrested did not get out of prison, the customer was not satisfied).

To be effective, a survey should be designed properly and administered correctly, and then data should be gathered so that the results can be measured against established standards. On the CA/OCS emergency services survey, customers provided a subjective rating of satisfaction, but were not asked to give specific reasons as to why they were satisfied or dissatisfied. For example, customers were required to rate how satisfied they were with the timeliness of services offered, yet the survey did not specify what exactly was being measured or what the response time actually was. Therefore, it was difficult to analyze the ratings. When dissatisfaction was expressed, it was unclear if the problem was that the established standards were unsatisfactory or if the standards were not being met.

For future surveys, CA/OCS needs to better identify performance criteria and to design the survey format so that customers can specify the reasons why they are satisfied or dissatisfied with the service. Since the requirements of each type of service vary, this may require separate surveys with questions specific to each type of service. This will provide CA/OCS with better feedback on both the strengths and weaknesses in customer service and will help identify areas in which improvements are needed.

Recommendation 12: We recommend that CA/OCS conduct annual surveys of the recipients of their service. The form used in the previous survey should be redesigned to address specific design flaws of the original survey and allow customers to cite specific reasons for satisfaction or dissatisfaction.

CA/OCS agreed in general with this recommendation, but stated that due to the time and effort involved in the surveys, the surveys should be conducted periodically instead of annually.

Service Provided to the Posts

Besides providing services to the general public, CA/OCS is also responsible for advising, instructing, monitoring, and supporting consular officers at overseas posts.

EXECUTIVE SUMMARY

Although CA/OCS has surveyed the general public to assess satisfaction with the service provided, no efforts have been made to survey its other customer, the posts.

During our site visits, we queried posts on the services provided by CA/OCS. We also attempted to determine how the reorganization of CA/OCS affected the posts. Although posts generally expressed satisfaction with these services, some potential problem areas were noted during our review. Consular officers and FSNs at two posts complained that CA/OCS case officers were not returning telephone calls in a timely manner, which in turn was causing delays in providing services to the public. Because of this lack of responsiveness, some posts were bypassing CA/OCS and handling the situation themselves. For example, one post was contacting HHS directly in those instances where arrangements had to be made for HHS to assist a U.S. citizen being repatriated to the United States. In addition, the reorganization of CA/OCS did not appear to have an effect, positive or negative, on the level or quality of service provided.

We also heard complaints from CA/OCS case officers regarding the effects of the reorganization. One complaint was that the non-emergency work, such as providing advice in citizenship cases, was becoming backlogged, since case workers often had to defer working on non-emergency cases to handle emergency issues. Another complaint was that the allocation of workload between case officers was not equitable. Some case officers were only experienced in handling certain types of cases and believed that they had not obtained adequate training before assuming the additional casework. CA/OCS needs to objectively determine what the effect, both positive and negative, of the reorganization has been on the posts.

It is important for CA/OCS management to continue to obtain feedback on how well the services are being provided and where improvements in service are needed. To do this, management must identify specific performance indicators, possibly by initially surveying posts to determine their expectations, and then develop a series of questions to pose to posts in order to determine whether these indicators were met. The results of this survey should be used to evaluate the effectiveness of the reorganization and to make adjustments in the organization where needed.

Recommendation 13: We recommend that CA/OCS conduct a survey of the posts to assess customer satisfaction and to identify areas where improvements can be made in services provided to the posts.

EXECUTIVE SUMMARY

CA/OCS agrees with this recommendation and is in the process of developing the survey methodology.

F. OTHER ISSUES

We identified several areas where improvements are needed in ACS operations at posts. We found that the quality of the ACS case files varied from post to post, primarily due to the lack of Department guidance on the contents of the files. Although posts were generally complying with pertinent laws and regulations, we identified several areas of weakness, notably carelessness in complying with Privacy Act requirements and failure to provide written notifications to the NOK in death cases. Consular staff also need to be more diligent in ensuring that subjective or derogatory comments are not included in the ACS case files.

Case File Documentation

In many cases, the ACS case files maintained at posts did not adequately document the facts of the case, the actions taken by the post, or the results of the case. The quality of the files varied between posts; we also found inconsistencies within posts, in that at some posts certain types of case files were well documented and others were not.

The FAM does not provide any guidance as to what should be included in each type of case file. Therefore, at each post the ACS section chief, or the individual who maintained the file, decided what documents should be included in the file. We also noted that some posts had taken the initiative in developing their own standardized forms to record information and actions taken. For example, Embassy Rome developed a cover sheet for each of its arrest files containing the facts and status of each case, and a list of the dates of each prison visit.

Although the deficiencies varied between posts, we did note certain overall problems:

- In 46 of the 106 (43.4 percent) death case files reviewed, there was no documentation in the file to indicate how and when the post was notified of the death.
- In 22 of the 106 (20.8 percent) death case files reviewed, contacts with the next-of-kin were not adequately documented.

EXECUTIVE SUMMARY

- In 15 of the 80 (18.8 percent) welfare and whereabouts case files reviewed, there was no documentation of either the actions taken by post or the results of the case.

Because of the lack of documentation, it was difficult in these cases to determine whether posts provided the services in a timely manner or took sufficient actions to resolve the case. Members of Congress, the press, and the public sometimes question the quality or extent of services provided. Therefore, it is important for posts to be able to document that appropriate actions were taken in a timely manner.

We also noted that some of the posts employing consular agents did not maintain complete master case files. Instead, the post and the consular agent would each maintain separate files on a single case. Therefore, we were often unable to determine the complete range of services provided by just reviewing the post files. Maintaining a complete master file is also important from a supervisory standpoint in that it allows the post to monitor the actions taken by its consular agents.

Recommendation 14: We recommend that CA/OCS develop guidelines establishing the type of documentation required to be included in each type of American citizen services case file. At a minimum, these guidelines should require posts to document all contacts with outside parties, all actions taken in a case, and the final outcome of the case.

CA/OCS agrees with this recommendation and is taking steps to address this issue.

Recommendation 15: We recommend that CA/OCS instruct those posts employing consular agents to maintain a master case file of American citizen services provided by both the post and the agent. Documentation of all actions taken should be included in post master files.

CA/OCS agreed in general with this recommendation. However, an alternate suggestion was made to instead have consular agents submit quarterly reports to the supervisory posts detailing the services provided on a case by case basis.

Compliance With Laws and Regulations

EXECUTIVE SUMMARY

In general, posts appear to be complying with pertinent laws and regulations. However, we did identify several areas of weakness, notably carelessness in complying with Privacy Act requirements and failure to provide written notifications to the NOK in death cases. We also noted instances where subjective or derogatory comments about the client appeared in the file, which could prove embarrassing to the Department should the client gain access to the file.

Privacy Act Violations

Under the provisions of the Privacy Act of 1974 (Public Law 93-579), no information may be released from United States Government files without the prior written consent of the individual in question, except under compelling circumstances affecting the health or safety of an individual or where requested to do so by a congressional committee or subcommittee. Under limited circumstances, Department regulations (7 FAM 125) allow consular officers to accept oral consent. This is only permissible after all other options are considered and proven inadequate. During our review of the case files, we noted problems relating to compliance with the Privacy Act, including information being released prior to obtaining consent, overuse of oral waivers, and undated waivers.

We noted seven instances where information had been released to an outside party without first obtaining written consent from the subject. None of these instances fell under the exceptions allowed under the Privacy Act. In two instances, information was released to a member of Congress; in the remaining five instances, information was released to a family member. The violations appeared to have occurred due to the desire to be helpful, not due to ignorance of the law. In these particular instances, there did not appear to be any negative effects of the unauthorized release of information; however, posts should be more sensitive to releasing information without consent, since the culpable employee could be held personally liable for any damaging consequences.

We also noted other problems related to Privacy Act issues. In 9 of the 67 arrest cases we reviewed, posts relied on oral waivers when making outside contacts for the prisoner. The files did not describe the circumstances under which the permission was given or the extent of allowable contacts. In six of these cases, the consular agent made the initial contact with the prisoner; in the remaining three cases, the sole contact with the prisoner was by telephone. In all cases, posts had reported to the Department that they had obtained a waiver,

EXECUTIVE SUMMARY

but did not specify that the waiver was oral, not written. Posts made several contacts with outside parties based on these oral waivers. Although the Department does sanction oral waivers under emergency conditions, none of the instances we identified appeared to be of an emergency nature. Due to time and distance constraints, consular officers are not always able to obtain written waivers in a timely manner. When contacts need to be made, consular officers should consider using consular agents, wardens, volunteers, or others to obtain these waivers. In those situations where the posts must rely on oral permission, posts should be careful to document the circumstances and the extent of contacts allowed.

Additionally, in 4 of the 39 repatriation loan cases reviewed, the case files did not contain a written waiver. Department regulations require the applicant to provide a waiver in order to be considered for a loan. We also noted 16 other types of cases where the written waivers were not dated. It is important to ensure that waivers are obtained in a timely manner and are both signed and dated. Without documented proof of permission, consular officers run the risk of being accused of making unauthorized contacts.

Written Notification to Next-of-Kin

The Department has a statutory obligation to notify the NOK when a U.S. citizen dies abroad. Department regulations require the consular officer to initially notify the NOK by telephone, then to immediately send out a written notification confirming the circumstances of the death, providing information concerning the disposition of the remains, and offering the official condolences of the Department. Written notification is required, in part, because the NOK may be in a highly emotional state or in shock during the telephone call and may not fully comprehend the information being provided by the consular officer. This notification helps minimize the chances of misunderstanding and confusion on the part of the NOK. In addition, families sometimes use this notification as evidence of death to help settle certain urgent financial matters, such as obtaining bank loans to pay for funeral expenses.

During our file review of 106 death cases, we noted 7 cases where posts had not provided written notification to the NOK. In an additional five cases, the post did not send out the written notification in a timely manner (the time ranged from 5 days to 1 month after the post was notified of the death). One consular officer explained that events sometimes

EXECUTIVE SUMMARY

overtake the paperwork, for example, the NOK may arrive in the foreign country before the written notification can be sent. However, even in these instances posts should send the written notification, at a minimum to confirm the arrangements that had been made and provide any supplemental information necessary, such as anticipated delays in obtaining death certificates. Posts should also be sensitive to sending the notifications out in a timely manner, since delays could result in unnecessary distress for the NOK.

File Objectivity

Department regulations (7 FAM 421.2) caution officers against including in the post files or in reports to the Department any "uncalled for or gratuitous remarks or comments" that may embarrass the Department should clients gain access to the files under the Privacy or Freedom of Information Acts. We generally found that officers were conscious of this requirement and careful to ensure that the notations in the files were objective. However, we noted a potential problem related to the increasing use of electronic mail. Electronic mail is an informal and more personal means of communication than cables; therefore, correspondents often forget that their comments may become part of the official record. At one post we noted a derogatory comment pertaining to a customer in an electronic mail record in the post files, which could potentially cause embarrassment to the Department.

Recommendation 16: We recommend that CA/OCS reemphasize to posts the importance of (1) complying with Privacy Act requirements, (2) providing written notification to the next-of-kin in a timely manner, and (3) not including gratuitous or subjective comments in post case files.

EXECUTIVE SUMMARY

CA/OCS agreed with this recommendation and is planning to send a cable to all posts to remind them of the requirements.

EXECUTIVE SUMMARY

V. CONSOLIDATED LIST OF RECOMMENDATIONS

Recommendation 1: We recommend that Directorate of Overseas Citizens Services in the Bureau of Consular Affairs (CA/OCS) revise 7 FAM 400 to give posts the discretion to determine the extent and necessity of prison visits on a case-by-case basis. Consular officers should be required to visit prisoners in those instances where mistreatment or violation of rights is alleged, where the case is high profile or controversial, or when requested to do so by the prisoner, the prisoner's family, or the Department.

Recommendation 2: We recommend that consular officers be permitted to delegate the responsibility for prison visits. Consular officers should be required to visit prisoners in those instances where mistreatment or violation of rights is alleged, where the case is high profile or controversial, or when requested to do so by the prisoner, the prisoner's family, or the Department.

Recommendation 3: We recommend that CA/OCS review each reporting requirement and identify specific reports that could be eliminated.

Recommendation 4: We recommend that CA/OCS emphasize to case officers the importance of timely and careful data entry in the Overseas Case Reporting System.

Recommendation 5: We recommend that CA/OCS provide specific criteria to posts as to what constitutes destitution.

Recommendation 6: We recommend that CA/OCS revise the Foreign Affairs Manual to require posts to obtain from repatriation loan applicants the names of at least three individuals who may be able to assist the applicant financially. Consular officers should be required to provide an explanation in the applicant's case file when the minimum number of contacts are not made.

Recommendation 7: We recommend that CA/OCS require posts to use a general Privacy Act waiver form for repatriation loan cases, giving the consular officer authority to contact any and all potential sources in relation to the loan application process.

EXECUTIVE SUMMARY

Recommendation 8: We recommend that CA/OCS reemphasize to posts the importance of obtaining alternate sources of funds before accepting applications for repatriation loans and of documenting these attempts.

Recommendation 9: We recommend that CA/OCS revise the Foreign Affairs Manual to require posts to maintain written documentation in the case files justifying those instances where no alternate sources were contacted.

Recommendation 10: We recommend that CA/OCS obtain examples of efforts to involve the American community in American citizen services work, and other innovations posts may have adopted. CA/OCS should consolidate and share these ideas with all posts.

Recommendation 11: We recommend that CA/OCS provide posts with guidelines pertaining to the use of non-government personnel who assist the embassy in providing services to U.S. citizens. These guidelines should specifically address Privacy Act concerns and training and supervision issues.

Recommendation 12: We recommend that CA/OCS conduct annual surveys of the recipients of their service. The form used in the previous survey should be redesigned to address specific design flaws of the original survey and allow customers to cite specific reasons for satisfaction or dissatisfaction.

Recommendation 13: We recommend that CA/OCS conduct a survey of the posts to assess customer satisfaction and to identify areas where improvements can be made in services provided to the posts.

Recommendation 14: We recommend that CA/OCS develop guidelines establishing the type of documentation required to be included in each type of American citizen services case file. At a minimum, these guidelines should require posts to document all contacts with outside parties, all actions taken in a case, and the final outcome of the case.

Recommendation 15: We recommend that CA/OCS instruct those posts employing consular agents to maintain a master case file of American citizen services provided by both the post and the agent. Documentation of all actions taken should be included in post master files.

EXECUTIVE SUMMARY

Recommendation 16: We recommend that CA/OCS reemphasize to posts the importance of (1) complying with Privacy Act requirements, (2) providing written notification to the next-of-kin in a timely manner, and (3) not including gratuitous or subjective comments in post case files.